

No. 15-2020

In The
United States Court of Appeals
For The Fourth Circuit

Curtis Edwin Leyshon
Petitioner - Appellant,

v.

COMMISSIONER OF INTERNAL REVENUE,
Respondent - Appellee .

APPEAL FROM THE TAX COURT OF THE UNITED STATES

APPENDIX TO APPELLANT'S BRIEF

Petitioner—Appellant

Curtis Edwin Leyshon
915 North Pine Run Road
Boone, North Carolina
828-265-4664 Phone

Respondent—Appellee

Clint Aaron Carpenter
U.S. Department of Justice
Tax Division
P.O. Box 502
Washington, D.C. 20044
202-514-4346 Phone
202-514-8456 Fax

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Filed: September 4, 2015

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

**INFORMAL BRIEFING ORDER
TAX COURT CASES**

No. 15-2020, Curtis E. Leyshon v. Commissioner of IRS
020983-13

This case has been placed on the court's docket under the above-referenced number, which should be used on papers subsequently filed in this court. The case shall proceed on an informal briefing schedule pursuant to Local Rule 34(b). The Informal Brief Form is attached. Informal briefs shall be served and filed within the time provided in the following schedule. Only the original informal brief is required; no copies need be filed unless requested by the court.

Record due from tax court: 10/05/2015

Informal opening brief due: 09/28/2015

Informal response brief permitted within 17 days of filing of informal opening brief

Informal reply brief permitted within 13 days of filing of informal response brief, if any.

If the informal opening brief is not served and filed within the scheduled time, the case will be subject to dismissal pursuant to Local Rule 45 for failure to prosecute. Extensions of briefing deadlines are not favored by the court and are granted only for good cause stated in writing.

The court will not consider issues that are not specifically raised in the informal opening brief. If a transcript is necessary for consideration of an issue, appellant must order the transcript within 14 days of filing the notice of appeal, using the court's Transcript Order Form. Parties who qualify to proceed without

prepayment of fees and costs may apply for preparation of the transcript at government expense. A motion for transcript at government expense filed in the Court of Appeals should be filed together with and will be considered in light of the informal opening brief.

The record is filed in the Court of Appeals in pro se cases; no appendix is required. Any party wishing to review the record in the clerk's office must make advance arrangements to do so.

The court will not appoint counsel or schedule a case for oral argument unless it concludes, after having reviewed the informal opening brief, that the case cannot be decided on the basis of the informal briefs and the record.

Counsel filing an informal brief must complete and file an Appearance of Counsel form with the informal brief.

Parties in civil appeals **must** file a Disclosure of Corporate Affiliations within **14 days** of the informal briefing order, except that a disclosure statement is **not** required from the United States, from indigent parties, or from state or local governments in pro se cases.

Parties are responsible for ensuring that social security numbers, juvenile names, dates of birth, and financial account numbers are redacted from any documents filed with the court and that any sealed materials are filed in accordance with the enclosed Memorandum on Sealed and Confidential Materials. Attorneys are required to file electronically in the Fourth Circuit. Information on obtaining an electronic filer account is available at www.ca4.uscourts.gov.

/s/ PATRICIA S. CONNOR, CLERK

By: Ashley B. Webb, Deputy Clerk

Copies: Robert R. Di Trolio
UNITED STATES TAX COURT
400 2nd Street, NW
Washington, DC 20217-0000

Curtis E. Leyshon
915 North Pine Run Road
Boone, NC 28607

Olivia H. Rembach
INTERNAL REVENUE SERVICE

Alamance Building, Mail Stop 2
4905 Koger Boulevard
Suite 102
Greensboro, NC 27407-2734

Amy Dyar Seals
INTERNAL REVENUE SERVICE
Alamance Building, Mail Stop 2
4905 Koger Boulevard
Greensboro, NC 27407-2734

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DIRECTIONS FOR INFORMAL BRIEF**

1. Preparation of Brief. The Court will consider this case according to the written issues, facts, and arguments presented in the Informal Briefs. Space is provided to present up to four issues. Additional issues may be presented by attaching additional sheets. The Court will not consider issues that are not specifically raised in the Informal Briefs. Informal Briefs must be legible and concise, and any attached pages must be sequentially numbered. Informal Briefs may be filed on the form provided or in memorandum or formal briefing format.

2. Copies required.

* File the original of the Informal Brief with the Court. If you would like a file stamped copy returned, send an extra copy and a self addressed stamped envelope. The Court's address is:

Clerk

U.S. Court of Appeals, Fourth Circuit

1100 East Main Street, Suite 501

Richmond, VA 23219

* Send one copy of the Informal Brief to each of the parties in the case.

3. Certificate of Service Required. You must certify that you sent each of the other parties or attorneys complete copies of all documents you send the Court. Service on a party represented by counsel shall be made on counsel. Be certain that your certificate shows the complete name and address of each party or attorney to whom copies were sent and the date of mailing.

4. Signature Required. You must sign your Informal Brief and all Certificates of Service. If the Informal Opening Brief is not signed, the case will be subject to dismissal under this Court's Local Rule 45.

<p>DOCUMENTS ARE SCANNED INTO ELECTRONIC FORM AND POSTED TO THE DOCKET. DO NOT USE STAPLES, TAPE OR BINDING.</p>

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
INFORMAL BRIEF

No. 15-2020, Curtis E. Leyshon v. Commissioner of IRS
020983-13

1. Jurisdiction (for appellants/petitioners only)

A. Name of court or agency from which review is sought:

B. Date(s) of order or orders for which review is sought:

2. Timeliness of notice of appeal or petition for review (for prisoners only)

Exact date on which notice of appeal or petition for review was placed in institution's internal mailing system for mailing to court:

3. Issues for Review

Use the following spaces to set forth the facts and argument in support of the issues you wish the Court of Appeals to consider. The parties may cite case law, but citations are not required.

Issue 1.

Supporting Facts and Argument.

Issue 2.

Supporting Facts and Argument.

Issue 3.

Supporting Facts and Argument.

Issue 4.

Supporting Facts and Argument

4. Relief Requested

Identify the precise action you want the Court of Appeals to take:

5. Prior appeals (for appellants/petitioners only)

A. Have you filed other cases in this Court? Yes ☐ No ☐

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

Signature

[Notarization Not Required]

[Please Print Your Name Here]

CERTIFICATE OF SERVICE

I certify that on _____ I served a copy of this Informal Brief on all parties,
addressed as shown below:

Signature

NO STAPLES, TAPE OR BINDING PLEASE

SEALED & CONFIDENTIAL MATERIALS

Internet Availability of Docket & Documents

Fourth Circuit case dockets and documents are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal.

Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Documents filed by the parties in immigration and social security cases are not accessible over the Internet to the public. In immigration and social security cases, public Internet access is limited to the court's docket, orders, and opinions.

Federal Rules of Procedure

The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037

Judicial Conference Privacy Policy

In addition, the judiciary's regulation on Privacy Policy for Electronic Case Files prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements indicating cooperation, or victim statements.

Local Rule 25(c)

Local Rule 25(c) limits the sealing of documents by requiring that sealed record material be separated from unsealed material and placed in a sealed volume of the appendix and by requiring the filing of both sealed, highlighted versions and public, redacted versions of briefs and other documents. Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Documents that were not sealed before the agency or district court will not be sealed in this court unless a motion to seal is filed and granted in this court.

Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Sealed Volume of Appendix

If sealed record material needs to be included in the appendix, it must be placed in a **separate, sealed** volume of the appendix and filed with a certificate of confidentiality. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume served only on Government counsel and counsel for the defendant who is the subject of the report.

- Use ECF event-**SEALED APPENDIX** to file sealed electronic appendix volume(s). Four sealed paper volumes must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed appendix must be filed within 10 days. See Standing Order 14-01. Cover of sealed appendix volume must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed volume must be served on other parties in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed appendix filed with the court.
- Use ECF event-**APPENDIX** to file public electronic appendix volumes(s). Six public paper volumes must be sent to the court (five if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the appendix is required; if

the case is tentatively calendared for oral argument, 3 additional paper copies of the appendix must be filed within 10 days. See Standing Order 14-01. Paper copies of public volumes of appendix do not need to be served on other parties if they were served with full public appendix in electronic form.

Sealed Version of Brief

If sealed material needs to be referenced in a brief, counsel must file both a **sealed, highlighted version** of the brief and a **public, redacted version** of the brief, as well as a certificate of confidentiality.

- Use ECF event-**SEALED BRIEF** to file sealed electronic version of brief in which sealed material has been highlighted. Four sealed paper copies must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed brief must be filed within 10 days. See Standing Order 14-01. Cover of sealed brief must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed version must be served on other parties in paper form..
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed brief filed with the court.
- Use ECF event-**BRIEF** to file public electronic version of brief from which sealed material has been redacted. Eight paper copies must be sent to the court (six if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the brief must be filed within 10 days. See Standing Order 14-01. Paper copies of public brief do not need to be served on other parties.

Sealed Version of Motions and Other Documents

If sealed material needs to be referenced in a motion or other document, counsel must file both a **sealed, highlighted version** and a **public, redacted version**, as well as a certificate of confidentiality.

- Use ECF event-**SEALED DOCUMENT** to file sealed electronic version of document in which sealed material has been highlighted. First page of document must be marked SEALED. No paper copies need be filed, but other parties must be served in paper form.

- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material.
- Use the appropriate ECF event (e.g., **MOTION** or **RESPONSE/ANSWER**) to file public electronic version of document from which sealed material has been redacted. No paper copies of public document are needed for filing or service.

Motions to Seal

Counsel should file a motion to seal if the material was not previously sealed by virtue of the Privacy Policy for Electronic Case Files, or by statute, rule, regulation, or order. Counsel should also file a motion to seal if it is necessary to seal the entire brief or motion and not possible to create a public, redacted version.

The motion to seal must appear on the public docket for five days; therefore, counsel must file both a **sealed, highlighted version** of the motion to seal (along with a certificate of confidentiality) and a **public, redacted version** of the motion to seal. The motion to seal must identify the document or portions thereof for which sealing is requested, the reasons why sealing is necessary, the reasons a less drastic alternative will not afford adequate protection, and the period of time for which sealing is required.

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

CHANGE OF ADDRESS (PRO SE)

No. 15-2020, **Curtis E. Leyshon v. Commissioner of IRS**
020983-13

If your address changes, it is your obligation to notify the clerk. If your address changes and you do not notify the clerk, we will not be responsible for your failure to receive documents from the court.

THE CLERK IS HEREBY NOTIFIED THAT MY ADDRESS SHOULD BE
CHANGED TO:

Name:
Street/P. O. Box:
City/State/ZIP:
Telephone Number:
Prison (if applicable):
Prisoner's Reg. No. (if applicable):
Release Date (if applicable):
Effective Date for Change of Address:
Signature:

Information About Filing a Case in the United States Tax Court

Attached are the forms to use in filing your case in the United States Tax Court.

It is very important that you take time to carefully read the information on this page and that you properly complete and submit these forms to the United States Tax Court, 400 Second Street, N.W., Washington, D.C. 20217.

Small Tax Case or Regular Tax Case

If you seek review of one of the four types of IRS Notices listed in paragraph 1 of the petition form (Form 2), you may file your petition as a "small tax case" if your dispute meets certain dollar limits (described below). "Small tax cases" are handled under simpler, less formal procedures than regular cases. However, the Tax Court's decision in a small tax case cannot be appealed to a Court of Appeals by the IRS or by the taxpayer(s).

You can choose to have your case conducted as either a small tax case or a regular case by checking the appropriate box in paragraph 4 of the petition form (Form 2). If you check neither box, the Court will file your case as a regular case.

Dollar Limits: Dollar limits for a small tax case vary slightly depending on the type of IRS action you seek to have the Tax Court review:

- (1) If you seek review of an IRS Notice of Deficiency, the amount of the deficiency (including any additions to tax or penalties) that you dispute cannot exceed \$50,000 for any year.
- (2) If you seek review of an IRS Notice of Determination Concerning Collection Action, the total amount of unpaid tax cannot exceed \$50,000 for all years combined.
- (3) If you seek review of an IRS Notice of Determination Concerning Your Request for Relief From Joint and Several Liability (or if the IRS failed to send you any Notice of Determination with respect to a request for spousal relief that you submitted to the IRS at least 6 months ago), the amount of spousal relief sought cannot exceed \$50,000 for all years combined.
- (4) If you seek review of an IRS Notice of Determination of Worker Classification, the amount in dispute cannot exceed \$50,000 for any calendar quarter.

Enclosures

To help ensure that your case is properly processed, please enclose the following items when you mail your petition to the Tax Court:

1. A copy of the Notice of Deficiency or Notice of Determination the IRS sent you;
2. Your Statement of Taxpayer Identification Number (Form 4);
3. The Request for Place of Trial (Form 5); and
4. The \$60 filing fee, payable by check, money order, or other draft, to the "Clerk, United States Tax Court"; or, if applicable, the fee waiver form.

For further important information, see the Court's Web site at www.ustaxcourt.gov or the "Persons Representing Themselves Before the U.S. Tax Court" booklet available from the Tax Court.

UNITED STATES TAX COURT

www.ustaxcourt.gov

(FIRST) (MIDDLE) (LAST)

(PLEASE TYPE OR PRINT)

Petitioner(s)

v.

COMMISSIONER OF INTERNAL REVENUE,

Respondent

Docket No.

PETITION

1. Please check the appropriate box(es) to show which IRS NOTICE(s) you dispute:

☐ Notice of Deficiency

☐ Notice of Determination Concerning Your Request for Relief From Joint and Several Liability. (If you requested relief from joint and several liability but the IRS has not made a determination, please see the Information for Persons Representing Themselves Before the U.S. Tax Court booklet or the Tax Court's Web site.)

☐ Notice of Determination

Concerning Collection Action

☐ Notice of Determination Concerning Worker Classification

2. Provide the date(s) the IRS issued the NOTICE(s) checked above and the city and State of the IRS office(s) issuing the NOTICE(S): _____

3. Provide the year(s) of period(s) for which the NOTICE(S) was/were issued: _____

4. SELECT ONE OF THE FOLLOWING:

If you want your case conducted under small tax case procedures, check here:

☐ (CHECK

If you want your case conducted under regular tax case procedures, check here:

☐ ONE BOX)

NOTE: A decision in a "small tax case" cannot be appealed to a Court of Appeals by the taxpayer or the IRS. If you do not check either box, the Court will file your case as a regular tax case.

5. Explain why you disagree with the IRS determination in this case (please list each point separately):

6. State the facts upon which you rely (please list each point separately):

You may use additional pages to explain why you disagree with the IRS determination or to state additional facts. Please do not submit tax forms, receipts, or other types of evidence with this petition.

ENCLOSURES: Please check the appropriate boxes to show that you have enclosed the following items with this petition:

- ☐ A copy of the Determination or Notice the IRS issued to you
- ☐ Statement of Taxpayer Identification Number (Form 4) (See PRIVACY NOTICE below)
- ☐ The Request for Place of Trial (Form 5) ☐ The filing fee

PRIVACY NOTICE: Form 4 (Statement of Taxpayer Identification Number) will not be part of the Court's public files. All other documents filed with the Court, including this Petition and any IRS Notice that you enclose with this Petition, will become part of the Court's public files. To protect your privacy, you are strongly encouraged to omit or remove from this Petition, from any enclosed IRS Notice, and from any other document (other than Form 4) your taxpayer identification number (e.g., your Social Security number) and certain other confidential information as specified in the Tax Court's "Notice Regarding Privacy and Public Access to Case Files", available at www.ustaxcourt.gov.

SIGNATURE OF PETITIONER DATE (AREA CODE) TELEPHONE NO.

MAILING ADDRESS CITY, STATE, ZIP CODE

State of legal residence (if different from the mailing address): _____

SIGNATURE OF ADDITIONAL PETITIONER (e.g., SPOUSE) DATE (AREA CODE) TELEPHONE NO.

MAILING ADDRESS CITY, STATE, ZIP CODE

State of legal residence (if different from the mailing address): _____

SIGNATURE OF COUNSEL, IF RETAINED BY PETITIONER(S) NAME OF COUNSEL TAX COURT BAR NO.

MAILING ADDRESS, CITY, STATE, ZIP CODE DATE (AREA CODE) TELEPHONE NO.

UNITED STATES TAX COURT

www.ustaxcourt.gov

Petitioner(s)

v.

COMMISSIONER OF INTERNAL REVENUE,

Respondent

} Docket No.

STATEMENT OF TAXPAYER IDENTIFICATION NUMBER

(E.g., Social Security number(s), employer identification number(s))

Name of Petitioner _____

Petitioner's Taxpayer Identification Number _____

Name of Additional Petitioner _____

Additional Petitioner's Taxpayer Identification Number _____

If either petitioner is seeking relief from joint and several liability on a joint return pursuant to Section 6015, I.R.C. 1986, and Rules 320 through 325, name of the other individual with whom petitioner filed a joint return:

Taxpayer Identification Number of the other individual, if available:

SIGNATURE OF PETITIONER OR COUNSEL_____
DATE_____
SIGNATURE OF ADDITIONAL PETITIONER_____
DATE

UNITED STATES TAX COURT

www.ustaxcourt.gov

Petitioner(s)

v.

COMMISSIONER OF INTERNAL REVENUE,

Respondent

} Docket No.

REQUEST FOR PLACE OF TRIAL

PLACE AN "X" IN ONLY ONE BOX TO REQUEST THE PLACE OF TRIAL. IF PETITIONER(S) ELECTED TO HAVE THE CASE CONDUCTED AS A SMALL TAX CASE, REQUEST ANY CITY LISTED BELOW; OTHERWISE, REQUEST ANY CITY NOT MARKED WITH AN ASTERISK (*).

ALABAMA

- ☐ Birmingham
☐ Mobile

ALASKA

- ☐ Anchorage

ARIZONA

- ☐ Phoenix

ARKANSAS

- ☐ Little Rock

CALIFORNIA

- ☐ Fresno*
☐ Los Angeles
☐ San Diego
☐ San Francisco

COLORADO

- ☐ Denver

CONNECTICUT

- ☐ Hartford

DISTRICT OF COLUMBIA

- ☐ Washington

FLORIDA

- ☐ Jacksonville
☐ Miami
☐ Tallahassee*
☐ Tampa

GEORGIA

- ☐ Atlanta

HAWAII

- ☐ Honolulu

IDAHO

- ☐ Boise
☐ Pocatello*

ILLINOIS

- ☐ Chicago
☐ Peoria*

INDIANA

- ☐ Indianapolis

IOWA

- ☐ Des Moines

KANSAS

- ☐ Wichita*

KENTUCKY

- ☐ Louisville

LOUISIANA

- ☐ New Orleans
☐ Shreveport*

MAINE

- ☐ Portland*

MARYLAND

- ☐ Baltimore

MASSACHUSETTS

- ☐ Boston

MICHIGAN

- ☐ Detroit

MINNESOTA

- ☐ St. Paul

MISSISSIPPI

- ☐ Jackson

MISSOURI

- ☐ Kansas City
☐ St. Louis

MONTANA

- ☐ Billings*
☐ Helena

NEBRASKA

- ☐ Omaha

NEVADA

- ☐ Las Vegas
☐ Reno

NEW MEXICO

- ☐ Albuquerque

NEW YORK

- ☐ Albany*
☐ Buffalo
☐ New York City
☐ Syracuse*

NORTH CAROLINA

- ☐ Winston-Salem

NORTH DAKOTA

- ☐ Bismarck*

OHIO

- ☐ Cincinnati
☐ Cleveland
☐ Columbus

OKLAHOMA

- ☐ Oklahoma City

OREGON

- ☐ Portland

PENNSYLVANIA

- ☐ Philadelphia
☐ Pittsburgh

SOUTH CAROLINA

- ☐ Columbia

SOUTH DAKOTA

- ☐ Aberdeen*

TENNESSEE

- ☐ Knoxville
☐ Memphis
☐ Nashville

TEXAS

- ☐ Dallas
☐ El Paso
☐ Houston
☐ Lubbock
☐ San Antonio

UTAH

- ☐ Salt Lake City

VERMONT

- ☐ Burlington*

VIRGINIA

- ☐ Richmond
☐ Roanoke*

WASHINGTON

- ☐ Seattle
☐ Spokane

WEST VIRGINIA

- ☐ Charleston

WISCONSIN

- ☐ Milwaukee

WYOMING

- ☐ Cheyenne*

Signature of Petitioner(s) or Counsel

Date

FOURTH CIRCUIT BRIEF & APPENDIX REQUIREMENTS

BRIEF CONTENTS – See Federal & Local Rules 28, 28.1, 29 for complete information.

Required Contents	Brief Type
Brief Cover	All briefs. <u>Brief Cover-District Court Appeal, Brief Cover-Agency Appeal</u>
Corporate Disclosure Statement	If disclosure statement required by Loc. R. 26.1, copy must be included in initial brief of party or amicus.
Table of Contents	All briefs
Table of Authorities	All briefs (cases alphabetically arranged, statutes and other authorities, with references to the page of the brief where they are cited)
Statement of identity, interest & authority to file	Amicus briefs
Statement regarding participation by parties, their attorneys, or other persons in funding or authoring the brief	Amicus briefs
Jurisdictional Statement (subject matter & appellate jurisdiction)	Opening briefs and opening/response briefs
Statement of Issues	Opening briefs and opening/response briefs
Statement of Case (relevant facts with appendix references, procedural history, rulings presented for review)	Opening briefs. Not required in appellee's response or opening/response brief if appellee is satisfied with appellant's statement of case.
Summary of Argument (succinct statement of arguments)	All except reply and amicus briefs
Argument (discussion of issues, with standard of review stated either in a separate heading before the discussion of issues or placed in the discussion)	Argument section is required in all briefs. Statement of standard of review is required only in opening and opening/response briefs unless the responding party is dissatisfied with the stated standard.
Conclusion (relief sought)	Opening briefs and opening/response briefs
Request for Oral Argument (if any)	Opening, opening/response, and response briefs
Signature of Counsel	All briefs
Certificate of Compliance with typeface and length limitations	All briefs. Not required if brief is within applicable page limitations. <u>Form-Certificate of Compliance</u>
Certificate of Service	All briefs. <u>Form-Certificate of Service, Form-Certificate of Service of Anders Brief</u>

BRIEF FORMAT – See Federal & Local Rules 28, 28.1 & 32 and Standing Order 14-01 for complete information.

Cover Color: Standard Schedule	Blue for opening. Red for response. Gray for reply.
Cover Color: Cross-appeal Schedule	Blue for opening. Red for opening/response. Yellow for response/reply. Gray for reply.
Cover Color: Amicus or Intervenor	Green
Cover Color: Supplemental	Tan
Cover Color: Electronic	White or same color as paper cover.
Brief Cover Content	Fourth Circuit docket number, centered at top (do not include district or agency docket number), followed by "United States Court of Appeals for the Fourth Circuit," followed by full case title, followed by "Appeal from the U.S. District Court for the District of ...," followed by "Brief of Appellant

	John Doe," followed by names, addresses, and phone numbers of counsel participating in preparation of brief.
Brief Binding	Binding must be secure down full left side and must not obscure text. Acceptable bindings include spiral, chesire, and perfect binding (no staples or clips).
Brief Paper	8 ½ x 11" light paper with clear black image, and 1" margin on all sides.
Brief Text	Text must be double-spaced (quotes > 2 lines, headings, & footnotes may be single-spaced but may not be in a smaller font size). Electronic version must be text-searchable.
Appendix References in Brief	References in support of factual statements must be to the appendix (or to the administrative record if it is adopted as the appendix). If electronic appendix excerpts are filed, rather than a full electronic appendix, parallel references must be provided to the paper appendix and to the district court docket entry and page number (JA 25; DE 3 at 20).
Hyperlinks in Brief	Hyperlinks may be included to other portions of the same document, other documents filed on appeal, documents in the district court record, statutes, rules, regulations, or opinions. Citations must be provided in addition to any hyperlink.
Addenda & Attachments to Briefs	Copies of statutes, rules, regulations, and unpublished dispositions may be included in an addendum at the end of the brief. If counsel wishes to supplement the brief with any other matters, the additional material must be presented to the court under separate cover, accompanied by a motion to file the material as an attachment to the brief. Unpublished dispositions that are not available in a publicly accessible electronic database must be included in an addendum or attachment.
Brief Font	If a proportional font is used (e.g., Times New Roman), font size must be 14 point. If a monospaced font is used (e.g., Courier New), font size must be 12 point. If a proportional font is used, the typeface must have serifs (small horizontal or vertical strokes at the ends of the letters). Sans-serif type, such as Arial, may not be used except in captions and headings.
Length of opening brief, response brief & response/reply brief (excluding corporate disclosure statement, table of contents, table of authorities, request for argument, addendum, certificate of compliance, certificate of service)	≤ 30 pages or ≤ 14,000 words or ≤ 1,300 lines (applies only to monospaced font) 200 additional words are allowed if parallel references are required to paper appendix and district court docket entry and page number.
Length of opening/response brief (excluding corporate disclosure statement, table of contents, table of authorities, request for argument, addendum, certificate of compliance, certificate of service)	≤ 35 pages or ≤ 16,500 words or ≤ 1,500 lines (applies only to monospaced font) 200 additional words are allowed if parallel references are required to paper appendix and district court docket
Length of reply brief or amicus brief (excluding table of contents, table of authorities, certificate of compliance, certificate of service)	≤ 15 pages for reply or amicus brief or ≤ 7,000 words for reply or amicus brief or ≤ 650 lines (applies only to monospaced font) An amicus brief in support of an opening /response brief in a cross-appeal may contain up to 8,250 words.
Note: When using Microsoft Word to review the "Word Count," you must select the check box next to "include textboxes, footnotes and endnotes" in the Word Count dialogue window for footnotes to be included in the total.	

Brief Copies	<p>Single-sided copying is required. In addition to 1 electronic version, file 8 paper copies (6 if party is represented by appointed counsel; 4 if party is proceeding in forma pauperis without appointed counsel.)</p> <p><u>For briefing orders after September 1, 2014 - Standing Order 14-01 in appointed counsel and in forma pauperis cases:</u> File 1 electronic and 1 paper copy of briefs and appendices. If the case is tentatively calendared for oral argument, all filers are required to file 3 additional paper copies of the briefs and appendices within 10 days.</p> <p>Service of paper copies is not required for parties served electronically through ECF.</p>
Sealed and Public Versions of Briefs	<p>If sealed information is included in the brief, counsel must file both sealed and public versions of the brief.</p> <p>File 1 electronic and 4 paper copies of the sealed version of the brief, with sealed material highlighted, and file a certificate of confidentiality.</p> <p><u>For briefing orders after September 1, 2014 - Standing Order 14-01 in appointed counsel and in forma pauperis cases:</u> File 1 electronic and 1 paper copy of briefs and appendices. If the case is tentatively calendared for oral argument, all filers are required to file 3 additional paper copies of the briefs and appendices within 10 days.</p> <p>Service of paper copies of the sealed version of briefs is required since parties cannot access the electronic version.</p> <p><u>Form-Certificate of Confidentiality</u> <u>Memorandum on Sealed and Confidential Materials</u></p>
APPENDIX CONTENT – See Federal & Local Rules 30 & Local Rule 25(a)(1)(D) for complete information.	
Required Appendix Contents	<p>The parties should include in the joint appendix all portions of the record necessary to review of the matters presented. Failure to include all necessary portions will result in return of the appendix for correction. The following must be included in the appendix in chronological order on consecutively numbered pages:</p> <ul style="list-style-type: none"> • Cover • Table of contents • District court docket report • Complaint as finally amended (civil) or indictment (criminal) • Relevant portions of pleadings, transcript, charge, findings, opinions • Final opinion and order appealed • Notice of appeal
Appendix Table of Contents	A detailed table of contents is required. When transcript is included, each witness must be identified, along with the page on which that witness's testimony begins. Exhibits must be identified by number, description, and page on which they begin.
Criminal Presentence Reports and Statements of Reasons	The presentence report and statement of reasons must be included in a sealed volume of appendix in any appeal raising a sentencing guideline challenge.
Appeals under <u>Anders v. California</u> , 386 U.S. 738 (1967)	Appendices are not filed in <u>Anders</u> appeals; instead, the court obtains and reviews the record. Appendix costs are not reimbursable under the CJA in

	<u>Anders</u> cases unless the court has directed or authorized filing of an appendix.
Administrative Records	<p>If the agency files the administrative record in electronic form, appellant may adopt the administrative record in lieu of filing an electronic appendix by filing 4 paper copies of the Administrative Record securely bound down the left side, with a white cover. Double-sided copying is preferred.</p> <p><u>For briefing orders after September 1, 2014 - Standing Order 14-01 in appointed counsel and in forma pauperis cases:</u> Appellant may adopt the administrative record in lieu of filing an electronic appendix by filing 1 paper copy of the Administrative Record securely bound down the left side, with a white cover. Double-sided copying is preferred. If the case is tentatively calendared for oral argument, all filers are required to file 3 additional paper copies of the briefs and appendices within 10 days, and appellant must file 3 additional paper copies of the Administrative Record.</p> <p>In social security appeals, appellant must also file electronic and paper versions of an appendix containing any district court documents necessary for appellate review. If the administrative record is filed in paper form in a social security appeal, appellant must include any necessary documents from both the administrative record and the district court record in the electronic and paper versions of the appendix.</p>
APPENDIX FORMAT – See Federal & Local Rules 31 & 32 & Local Rule 25(a)(1)(D) and Standing Order 14-01 for complete information.	
Full Electronic Appendix (option 1)	Appendices must be filed in electronic and paper form. Under option 1, appellant files the full appendix in electronic form, separately filing any sealed documents as a sealed appendix.
Electronic Appendix Excerpt (option 2)	<p>Under option 2, appellant files an electronic appendix excerpt containing the following excerpts from the appendix:</p> <ul style="list-style-type: none"> • any sealed documents (filed as a sealed appendix); • any paper documents • any party filings in a social security case • any pertinent opinion, findings, magistrate report, or bankruptcy opinion • the opinion and order being appealed • the notice of appeal <p>The excerpts should appear in the same order and with the same page numbers as in the full paper appendix. When the electronic excerpt option is used, all references in the brief must be to both the full paper appendix and the docket entry and page number of the district court record (JA 81; DE 20 at 5). With the electronic excerpt option, 200 additional words are allowed for principal briefs due to the parallel citation requirement.</p>
Appendix Text	Electronic version is not required to be text-searchable.
Appendix Cover	<p>Appendix covers are white and contain the following information: Fourth Circuit docket number, centered at top (do not include district or agency docket number), followed by "United States Court of Appeals for the Fourth Circuit," followed by full case title, followed by "Appeal from the U.S. District Court for the District of ...," followed by "Appendix," followed by names, addresses, and phone numbers of counsel on both sides of the case.</p> <p><u>Appendix Cover-District Court Appeal, Appendix Cover-Agency Appeal</u></p>
Appendix Binding	Appendices must be securely bound down full left side in a manner that does not obscure text and permits the appendix to lie reasonably flat when

	open. Acceptable bindings include spiral, cheshire, and perfect binding (no staples or clips). Each bound volume should not exceed 1 ½" in thickness.
Transcript	The name of the testifying witness and type of examination (direct, cross, deposition) must be clearly indicated at the top of each page of in-court or deposition testimony included in the appendix. The court will not accept appendices containing "condensed" transcript wherein several pages of transcript appear on a single sheet.
Length of Appendices	In court-appointed cases, if the appendix exceeds 250 sheets (500 pages) without leave of court, reimbursement of copying costs will be limited to 250 sheets.
Appendix Copies	<p>Double-sided copying of appendices is preferred in all cases, but required in a court-appointed case.</p> <p>File 6 paper copies (5 if party is represented by appointed counsel; 4 if party is proceeding in forma pauperis without appointed counsel; 4 in immigration cases; and 4 for exhibit volumes).</p> <p><u>For briefing orders after September 1, 2014 - Standing Order 14-01 in appointed counsel and in forma pauperis cases:</u> File 1 electronic and 1 paper copy of briefs and appendices. If the case is tentatively calendared for oral argument, all filers are required to file 3 additional paper copies of the briefs and appendices within 10 days.</p> <p>Service of paper copies is not required for parties served electronically through ECF with the full electronic appendix (option 1). Service of paper copies is required if an electronic appendix excerpt (option 2) was used.</p>
Sealed Appendix Volumes	<p>Sealed record documents that are included in the appendix must be placed in a separate, sealed volume of the appendix. In consolidated criminal appeals, these materials must be separately sealed as to each defendant by marking the volume and envelope as SEALED – [DEFENDANT'S NAME] and serving the volume only on the government and counsel for the named defendant.</p> <p>File 1 electronic copy and 4 paper copies of sealed volumes of appendix, and file a certificate of confidentiality.</p> <p><u>For briefing orders after September 1, 2014 - Standing Order 14-01 in appointed counsel and in forma pauperis cases:</u> File 1 electronic and 1 paper copy of briefs and appendices. If the case is tentatively calendared for oral argument, all filers are required to file 3 additional paper copies of the briefs and appendices within 10 days.</p> <p>Service of paper copies of the sealed appendix volumes is required since parties cannot access the electronic version.</p> <p><u>Form-Certificate of Confidentiality</u> <u>Memorandum on Sealed and Confidential Materials</u></p>
ECF FILING EVENTS	
Document	ECF event
Public Brief	BRIEF (formal, non-sealed briefs/electronic & paper form) Amicus Curiae/Intervenor Brief (with appearance of counsel form)
Sealed Version of Brief	SEALED BRIEF Certificate of confidentiality

Rule 30(c) Page-Proof Brief filed under Rule 30(c) schedule prior to final brief	Rule 30(c) page-proof opening brief (no paper copies required) Rule 30(c) page-proof opening/response brief (no paper copies required) Rule 30(c) page-proof response brief (no paper copies required) Rule 30(c) page-proof response/reply brief (no paper copies required)
Public Appendix	APPENDIX (electronic & paper form) Counsel must indicate in the APPENDIX event whether the district court's 90-day public hold period has expired for any transcript included in the appendix, so that the court can make the appendix available for public access the same date it becomes available on the district court docket.
Sealed Volume of Appendix	SEALED APPENDIX Certificate of confidentiality
Administrative Record filed electronically by government	Administrative record (electronic form)
Administrative Record filed in paper form by government	Notice of paper filing
Administrative Record adopted by appellant & paper copies filed	Administrative record adopted (paper copies filed)

CURTIS LEYSHON
915 NORTH PINE RUN RD
BOONE, NC 28607

The United States of America

CERTIFICATE OF POLITICAL STATUS, CITIZEN STATUS AND ALLEGIANCE

STATE OF NORTH CAROLINA) ss.
Watauga County)

Personal description of the Holder of this Certificate of Political Status, Citizen Status and Allegiance:

True name – Curtis Edwin Leyshon; **Date of Natural Birth** – July 15th, 1957; **Location of Natural Birth** – Wilson, North Carolina;

Complexion - white; **Race** – Caucasian; **Color of eyes** – brown; **Color of hair** – brown; **Height** – 6 ft. 3 in.; **Weight** – 235 lbs.;

Visible distinctive marks – scar on right abdomen; **Marital status** – married; **Nationality and Political Status** – North Carolinian,

a native of the several States; **Citizen status**: white citizen; and, American citizen; and, citizen of the United States of America; and,

Natural Born Native and citizen of the foreign state of North Carolina domiciled in the territorial boundaries of North Carolina, currently a citizen of North Carolina and a qualified elector of North Carolina. I under oath certify that the facts herein are true and correct under the penalties of perjury and that the photograph affixed hereto is a likeness of me.



I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State or sovereignty, of which I have been a subject or citizen, including any allegiance to or to be clothed with the fictional status of a “citizen of the United States” as a misnomer declared in 14 Stat. 27 codified in 42 U.S.C. §§ 1981, 1982 and 1988 by Congress with said “citizen of the United States” memorialized in the Fourteenth Amendment having no direct access to the Bill of Rights Amendments One through Eight of the Constitution of the United States; and, with the Bill of Rights one through eight being “incorporated” at the discretion of the Courts of the United States into the fictional “citizen of the United States.” Take Notice of the Fact that a “citizen of the United States” domiciled within the District of Columbia is NOT subject to the Fourteenth Amendment, but is a “qualified elector” as evidenced in DC ST § 1-1001.02(2)(B) clothed by and with the direct protections of the Bill of Rights Amendments one through eight.



639425

The United States of America

Bk 1818

Pg 245

Doc No: 639426 Kind: SEE/INST

And further, I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity and any such use of the status of a "citizen of the United States" under the Plenary Power of Congress using "Acts of Congress" and/or "Laws of Congress" as follows: by and through using adhesion contracts, and/or by and through using the "public rights" doctrine of accepting some benefit(s); and/or, by and through using "implied-in-law contracts, and/or, by and through any means that I have accepted some benefit, *i.e.*, "That the United States, when it creates rights [benefits] against itself, is under no obligation to provide a remedy in the courts" (*United States v. Babcock*, 250 U.S. 328, 331 (1919) being any Court of the United States arising under Article III of the Constitution of the United States exercising the judicial Power of the United States in all Cases in Law and Equity with the only exceptions clothed under the law of necessity; and/or, that any State when it creates rights [benefits] against itself, is under no obligation to provide a remedy in a constitutional courts of one of the several States, with the only exceptions clothed under the law of necessity.

And further, I renounce, rescind my signature and abjure from all of the following: all adhesion contracts and documents known or unknown; and, all implied-in-law contracts and documents known or unknown, all "public rights" doctrine contracts and documents known or unknown; and, all other contracts, agreements and documents that would in any way attach or subject me by any means known or unknown with the only exception being under the Law of Necessity.

And further Congress may vest the Courts of the District of Columbia with administrative or legislative functions, which are not properly judicial, but it may not do so with any Federal Court established arising under Article III of the Constitution of the United States either directly or by appeal including any District Court of the United States, any United States District Court, any Circuit Court of Appeals and the Supreme Court of the United States. *Postum Cereal Co, Inc. v. California Fig Nut Co.*, 272 U.S. 693, 700-701 (1927).

And further, The plenary Power of Congress in the "District of Columbia" is evidenced by "Acts of Congress," "Laws of Congress" or "laws of the United States of America" including but not limited to the "Internal Revenue" Taxation of the National Government that is lawfully and legally confined within the District of Columbia under the Plenary Power of Congress.

The United States of America

BK 1818

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And further, I renounce, rescind my signature and abjure from any venue and jurisdiction not clothed within a constitutional court of one of the several States exercising the judicial Power of one of the several States with me unknowingly waiving my unalienable rights secured in a particular constitution of whichever one of the several States I am domiciled with the only exception being under the Law of Necessity.

And further, I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity of the following: all regulations promulgated or enforced by all agencies of the "headless fourth branch of government" and "administrative state"; and, all federal agencies especially those knowingly or unknowingly that are "independent agencies" or "independent establishments," and, all state agencies by and through all forms of grants, cooperative agreements, memorandums of understanding, agreements and documents known or unknown to me including but not limited to the State Plans that are inextricably intertwined with federal agencies and federal regulations that are not "substantive regulations," *i.e.*, "legislative rules" as held in *Chrysler v. Brown*, 441 U.S. 281 (1979); and, only under the laws of necessity would I be subject to any such regulation(s) unless they are identified having the "force and effect of law" as a "substantive regulation," *i.e.*, a "legislative rule" in strict compliance with the Administrative Procedure Act of 1946 codified in 5 U.S.C. chapters 5-9; and, specifically identified in the "proposed rule" published in the Federal Register that said regulation(s) is in compliance with 5 U.S.C. § 553(b); and, specifically identified in the "final rule" published in the Federal Register stating compliance with 5 U.S.C. 553(b)(c)(d) and in compliance with 1 CFR § 21.40, 1 CFR § 21.41 and 1 CFR 21.43.

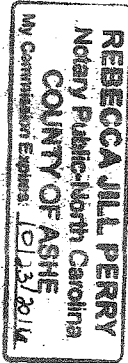
And further, that I have not knowingly or intentionally waived or surrendered any of my unalienable rights and birthright to any of the above, which is secured in this constitutional Republic founding documents including the Declaration of Independence, The Articles of Confederation, the Constitution of the United States and the constitution of one of the several States of this Union of States that I am currently domiciled; and, that I will support and defend the Constitution of the United States and Laws of the United States as amended by the qualified Electors of the several States against all enemies, either foreign or domestic; and, that I will support and defend the constitution of one of the several State as amended by the qualified Electors of the citizens of that particular one of the

The United States of America

Bk 1818 Pg 247

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several States that I am currently domiciled against all enemies foreign and domestic; and, that I will bear true faith and allegiance to the Constitution of the United States and the constitution of the particular one of the several States that I am domiciled; and, that I take this obligation freely, without any mental reservation or purpose of evasion, so help me God.



[SEAL]

Antin Edwin Stephen

(Complete and true signature of holder)

Sworn and subscribed before me on August 11, 2015
being a Notary Public in and for the State of North Carolina. My
Commission expires on 10/23/2014.

Rebecca Jill Perry
Signature of Notary Public

NORTH CAROLINA VOTER REGISTRATION APPLICATION

06w

Please use black ink and print legibly.

1	Are you a citizen of North Carolina? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Will you be at least 18 years of age on or before election day? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<small>IF YOU CHOOSE "NO" TO EITHER OF THESE QUESTIONS, DO NOT SUBMIT THIS FORM.</small>		<small>IF YOU CHOOSE "NO" TO EITHER OF THESE QUESTIONS, DO NOT SUBMIT THIS FORM.</small>

2	Last Name Leyshon First Name Curtis Middle Name Edwin <input type="checkbox"/> Jr <input type="checkbox"/> Sr <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V	3	Date of Birth MMDDYYYY [REDACTED] State of Birth/Country of Birth NC If you know your NC Voter Registration Number, enter it below. _____ If you have a NC drivers license or non-operators ID card, enter the number below. [REDACTED] Enter the last 4 digits of your SSN. [REDACTED] <input type="checkbox"/> Check here if you <u>do not</u> have a NC drivers license, ID card, or a SSN.
---	---	---	--

DOMICILE ADDRESS INFORMATION - No P.O. Boxes or Rural Routes

4	Street Address where you live 915 North Pine Run Rd. City Boone County Watauga	Apartment, Lot, or Unit Number _____ State NC Zip Code 28607 Phone (Optional) 8282654664
Have you lived here for 30 days or more? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		If "No," date moved? MMDDYYYY _____

MAILING ADDRESS

5	Mailing Address (If different from your residential address) _____ Mailing Address Line 2 _____ City _____ State _____ Zip Code _____
---	--

MAP/DIAGRAM

If you do not have a street address, draw a map of where you reside. Please include roads and landmarks.

6	GENDER <input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	RACE <input type="checkbox"/> African American/Black <input type="checkbox"/> Asian <input checked="" type="checkbox"/> White <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Multiracial <input type="checkbox"/> Other	ETHNICITY <input type="checkbox"/> Hispanic/Latino <input checked="" type="checkbox"/> Not Hispanic/Latino	POLITICAL PARTY AFFILIATION <input type="checkbox"/> Democrat <input checked="" type="checkbox"/> Republican <input type="checkbox"/> Libertarian <input type="checkbox"/> Unaffiliated <input type="checkbox"/> Other _____ <small>If you indicate a political party that is not currently qualified, or you do not indicate a choice, you will be listed as "Unaffiliated."</small>
---	--	---	---	---

PREVIOUS VOTER REGISTRATION (This information will be used to cancel your previous voter registration in another county or state.)

7	Last Name used in Previous Registration _____ First Name used in Previous Registration _____ Previous Address _____ Previous County _____ Previous City _____ Previous State _____ Previous Zip Code _____
---	---

I attest, under penalty of perjury, that in addition to having read and understood the contents of this form, that:

- I am a citizen of North Carolina, as indicated above; See the Public Record of Political Status, Citizenship and Allegiance - Watauga County, North Carolina BK 1818 PG 244-247;
 - I am at least 18 years of age, or will be by the date of the general election;
 - I shall have been domiciled in North Carolina, this county, and precinct for 30 days before the election in which I intend to vote as a qualified Elector;
 - I will not vote in any other county or state after submission of this form and if I am registered elsewhere, I am canceling that registration at this time; and
 - I have not been convicted of a felony, or if I have been convicted of a felony, I have completed my sentence, including any probation or parole.
- (Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is needed.)

Presidentially not taking concerning this
 not for the... (illegible)

x *Curtis E. Leyshon*
 Signature

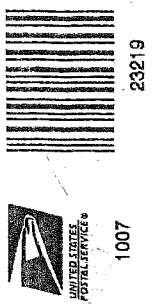
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Donna Horch - Clerk 11-23-15

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